

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CHRISTOPHER DUNCAN,

Petitioner,

v.

CALVIN JOHNSON, *et al.*,

Respondents.

Case No. 2:22-cv-01257-MMD-NJK

ORDER

Pro se Petitioner Christopher Duncan has filed a petition for writ of habeas corpus under 28 U.S.C. § 2254. (ECF No. 1-1.) Duncan has also filed an application for leave to proceed *in forma pauperis* ("IFP"). (ECF No. 1.) Duncan's IFP application is incomplete, so he has not properly commenced this habeas action.

Under 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. The court may authorize an indigent inmate to begin a habeas action without paying the \$5.00 fee if he or she submits an IFP application on the approved form and includes three specific documents: (a) the inmate's financial declaration and acknowledgement showing an inability to prepay fees and costs, (b) a financial certificate signed by the inmate and an authorized prison official, and (c) a copy of the inmate's account statement for the six-month period prior to filing. See 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2. Duncan will have 45 days from the date of this order to either pay the \$5.00 filing fee or submit a complete IFP application with all required documentation.

It is therefore ordered that Petitioner Christopher Duncan's application to proceed *in forma pauperis* (ECF No. 1) is denied without prejudice.

The Clerk of Court is directed to send Duncan a blank copy of the IFP application for incarcerated litigants.

1 It is further ordered that the initial screening of Duncan's petition for writ of habeas
2 corpus (ECF No. 1-1) under the Rules Governing Section 2254 Cases is deferred until
3 such time as he has fully complied with this order.

4 It is further ordered that within 45 days of the date of this order, Duncan must file
5 an IFP application that includes a: (a) financial certificate signed by Duncan and an
6 authorized prison official, (b) financial declaration and acknowledgement signed by
7 Duncan, and (c) copy of Duncan's inmate account statement for the six-month period
8 prior to filing. Alternatively, Duncan must pay the \$5.00 filing fee within 45 days. If Duncan
9 decides to pay the filing fee from his inmate account, Duncan must arrange to have a
10 copy of this order attached to the check for the filing fee. Duncan's failure to timely comply
11 with this order will result in the dismissal of the petition without prejudice and without
12 further advance notice.

13 DATED THIS 9th Day of August 2022.

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17 MIRANDA M. DU,
18 UNITED STATES DISTRICT JUDGE
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